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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,019	01/25/2006	Samuel Neto	13111-00032-US	9402
23416 7590 11/15/2007 CONNOLLY BOVE LODGE & HUTZ, LLP P O BOX 2207 WILMINGTON, DE 19899			EXAMINER NGUYEN, CAM N	
			ART UNIT 1793	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/566,019

Applicant(s)

NETO ET AL.

Examiner

Cam N. Nguyen

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/30/07 (an election).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7, 8, 10, 11 and 18 is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☒ Claim(s) 6, 9, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>originally filed</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Response to Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-4 & 6-11, in the reply filed on 8/30/07 is acknowledged. The traversal is on the ground(s) that "the search and examination of the entire application would not place a serious burden on the Examiner." This is not found persuasive because the search required for Group I is not required for Group II since the process of Group II invention involves process steps, conditions, etc. However, since the elected product claims are found allowable, the nonelected process claims of Group II have now been rejoined with the elected claims.

Thus, claims 1-4 & 6-18 are currently pending and under consideration.

### Claim Objections

2. Claims 6, 9, & 12-13 are objected to because of the following informalities:
- A. In claim 6, line 2, "and" should be deleted and replaced thereof with --,--.
  - B. In claim 9, line 2, -- , -- should be inserted before "which".
  - C. In claim 9, line 5, "and/or in which" should be deleted and replaced thereof with --,wherein--.
  - D. In claim 9, line 6, "can be" should be deleted and replaced thereof with --is--.
  - E. In claim 12, line 2, "in which a gaseous stream which comprises bringing into contact" should be changed to recite --which comprises bringing a gaseous stream into contact with--.
  - F. In claim 12, line 3, "with" should be changed to --in the presence of--.
  - G. In claim 13, line 3, "for the gas-phase partial oxidation of aromatic hydrocarbons and" should be deleted and replaced thereof with --, the catalyst--.

Art Unit: 1793

- H. In claim 15, line 2, "or" should be changed to --of--.
- I. In claim 15, line 6, "and/or in which" should be deleted and replaced thereof with --, wherein--.
- J. In claim 15, line 7, "can be" should be deleted and replaced thereof with --is--.

Appropriate correction is required.

**Claim Rejections - 35 USC § 112 (Second Paragraph)**

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 4. Claims 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Regarding claim 14, line 3, the phrase "anatase" is unclear as to what compound is being claimed. It would appear that anatase is a crystal structure of titanium dioxide, but the claim does not specifically point out that it is for titanium dioxide. Thus, renders the claim vague and indefinite.

B. Regarding claim 15, last line, the phrase "anatase" is unclear for the same reason as set forth in A above.

**Conclusion**

- 5. Claims 1-4 & 6-18 are pending. Claims 1-4, 7-8, 10-11, & 18 are allowed. Claims 6, 9, & 12-13 are objected. Claims 14-17 are rejected.

Citations

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared.

Contacts

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Nguyen/cnn

Primary Examiner

November 13, 2007

Art Unit: 1793